

Applicant: Albuquerque Ready-Mix, Inc.

Agent: Garcia/Kraemer & Assoc.

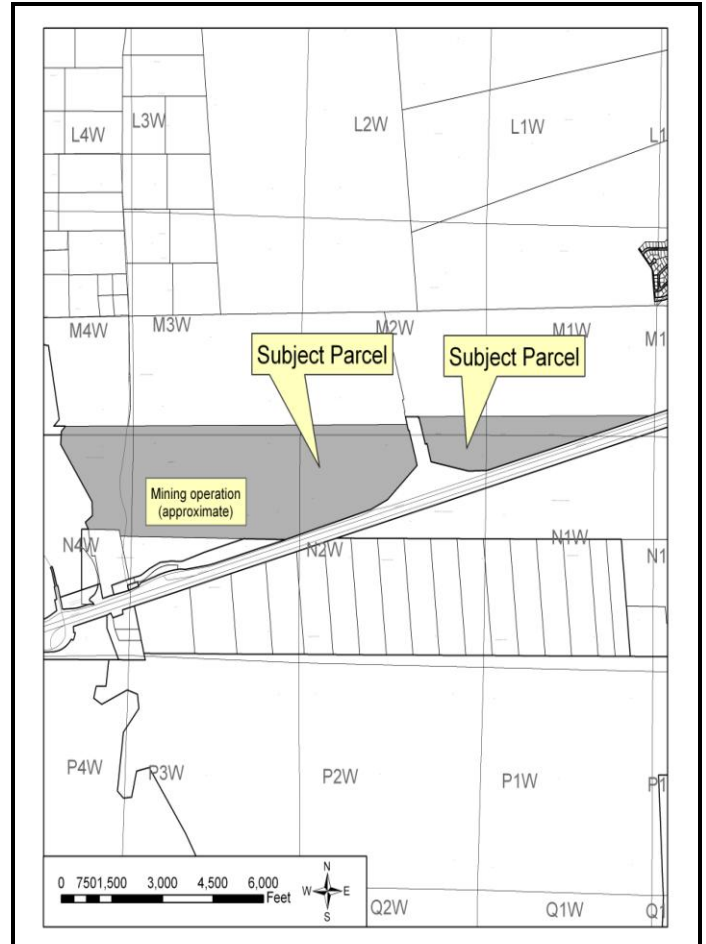
Location: E. of Rio Puerco & N. of I-40

Property Size: Approximately 559 acres

Existing Zone: A-1

Proposed Request: Special Use Permit for Mining, Excavating, Processing, Stockpiling, and Distribution of Sand and Gravel

Recommendation: Approval



Summary: This is a request for a Special Use Permit for Mining, Excavating, Processing, Stockpiling, and Distribution of Sand and Gravel on a 559-acre parcel located east of the Rio Puerco and just north of the I-40 N. Frontage Road. The subject site is currently being utilized for the request being sought.

This case was deferred from the March 3, 2010 County Planning Commission hearing at the request of the applicant.

Staff Planner: Adella Gallegos, Associate Program Planner

- Attachments:**
1. Application
 2. Land Use Map
 3. Notices of Violation dated August 17, 2009 and December 17, 2009
 4. Memorandum of License Agreement
 5. New Mexico Energy, Minerals and Natural Resources Dept. Mine/Mill/Smelter Registration and City of Albuquerque Air Quality Control Permit.
 6. Survey of Special Use Permit Site (Commissioners Only)
 7. Site Plan dated March 21, 2010 (Commissioner's Only)

Bernalillo County Departments and other interested agencies reviewed this application from 1-26-10 to 2-08-10. Agency comments are verbatim and were used in preparation of this report, which begin on page 15.

AGENDA ITEM NO.: 7
County Planning Commission
May 5, 2010

CSU-20100008 Garcia/Kraemer & Associates, agent for Albuquerque Redi-Mix, Inc., requests approval of a Special Use Permit for Mining, Excavating, Processing, Stockpiling, and Distribution of Sand and Gravel on Tract B, Plat of Survey of Property of Orlando Sanchez, located east of the Rio Puerco and north of I-40, zoned A-1, and containing approximately 559 acres. (N-3W)(DEFERRED FROM THE MARCH 3, 2010 HEARING)

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	A-1	Mining, Excavating, Processing, Stockpiling, and Distribution of Sand and Gravel
North	A-1	Vacant
South	A-1 and C-1	A-1 -Vacant C-1 – A gas station, telecommunications tower, bill boards and vacant land along I-40 Frontage Road
East	A-1	Vacant
West	A-1	Vacant

BACKGROUND:

This request is for a Special Use Permit for Mining, Excavating, Processing, Stockpiling, and Distribution of Sand and Gravel on a parcel that encompasses approximately 559 acres; however, the sand and gravel operation is limited to 61.5 acres of the 559 acre parcel as reflected on the submitted site plan (Attachment 4). The applicant has been operating a sand and gravel operation on the site since 2007; consequently, the subject site was being mined for a number of years prior to the applicant commencing operation.

This request was submitted as a result of Notices of Violation dated August 17, 2009 and December 17, 2009 that were issued to the owner of the property and the applicant for improper use of property in violation of the Bernalillo County Zoning Code (Attachment 3).

Surrounding Land Use and Zoning

The subject site is zoned A-1 and surrounded with A-1 zoning. A small amount of C-1 zoning does exist adjacent to the southeast end of the 559 acre parcel along the north I-40 Frontage Road. The subject site is located in a remote area east of the Rio Puerco and north of the I-40 Interchange. The existence of a convenience store/gas station to the west of the subject site, a telecommunications tower and number of billboards appear to be the only form of development that exist within the general area of the subject site. To the west of the Rio Puerco and along the south I-40 Interchange exists the Route 66 Casino on the Laguna Reservation.

There has not been any recent zoning activity that has occurred in close proximity to the subject site. A Special Use Permit for a Planned Development Area west of the Rio Puerco was approved by the Board of County Commissioners in 1975; however, remains undeveloped. There also was a Special Use Permit approved for a Truck Stop and a 60 ft. sign on the C-1 zoned parcels approved by the Board of County Commissioners in 1972. The sign poles still remain on the subject site; however, the Trucks Stop does not exist.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

This site is situated in the Reserve Area as designated by Albuquerque/Bernalillo County Comprehensive Plan. The Goal of this area is to allow opportunity for future development of high quality, mixed use, largely self-sufficient planned communities, bounded by permanent open space, in appropriate outlying areas, and to protect the non-urban metropolitan areas as rural unless such planned communities are developed.

Policy 2.c states that "Development within Reserve Areas shall take place either in accordance with an approved planned community master plan (up to three dwelling units per acre), or in accordance with the standards applicable to Rural Areas."

Policy 2.d states that "A planned community master plan approved in accordance with this section and more specific development criteria shall serve to implement the Comprehensive Plan. A planned community master plan shall not be approved if it fails to demonstrate its own sense of place, self-sufficiency, environmental sensitivity, separation from the contiguous

Albuquerque urban area by permanent open space and the provision of infrastructures which is not a net expense to the local government(s)."

Policy 3.g, Rural Area, states that "The following policies shall guide industrial and commercial development in Rural Areas:

- . Small-scale, local industries which employ few people and may sell products on The same premises are the most desirable industrial use.
- . Mineral extractions should be discouraged in highly scenic or prime recreational, agricultural or residential areas.
- . Where mineral extractions and industrial development occurs, noise and pollution levels should be regulated and restoration of the land should be required.
- . Neighborhood and/or community-scale rather than regional-scale commercial centers are appropriate for rural areas. Strip commercial development should be discouraged and, instead, commercial development should be clustered at major intersections and within designated mountain and valley villages."

Policy 6 Economic Development Goal is to achieve steady and diversified economic development balanced with other important social, cultural and environmental goals."

Policy 6.a. states, "New Employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to the areas of most need."

Policy 6.b. states, "Development of local business enterprises as well as the recruitment of the outside firms shall be emphasized."

Policy 6.g states, "Concentrations of employment and Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel."

Environmental Protection and Heritage Conservation

Policy 8 states, "The Goal is to maintain and improve the natural and developed landscapes".

Air Quality

The Goals is to improve air quality to safe guard public health and enhance the quality of life.

Policy g states, "that pollution form particles shall be minimized.

- . Use vegetation, landscaping and other erosion control techniques to minimize dust pollution especially from construction sites.
- . Modify the Development Process Manual to expand requires for topsoil disturbance permits and dust control plans for excavations greater than $\frac{3}{4}$ acre; monitor and strictly enforce the existing regulation regarding airborne particulates.

Open Space Network

The Goal is to provide visual relief from urbanization and to offer opportunities for education, recreation, cultural activities, and conservation of natural resources by setting aside Major Public Open Space, park, trail corridors, and open areas throughout the Comprehensive Plan area.

Policy a states, "Open space lands and waters shall be acquired or regulated as appropriate to serve one or more of the following specific purposes:

- Conservation of natural resources and environmental factors
- Provision of opportunities for outdoor education and recreation
- Shaping of urban form
- Conservation of archaeological resources
- Provision of trail corridors
- Protection of the public from natural hazards

Policy c states, "Development in or adjacent to the proposed Open Space network shall be compatible with open space purposes.

Bernalillo County Zoning Ordinance

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or
 - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.

- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Section 18. Special Use Permit Regulations.

- A. By Special Use Permit after receipt of a recommendation from the Bernalillo County Planning Commission, the Board of County Commissioners may authorize the location of uses in any zone in which they are not permitted by other sections of this ordinance; the Bernalillo County Commission may likewise authorize the increase in height of buildings beyond the limits set by previous sections of this ordinance. With such permits, the Bernalillo County Commission may impose such conditions and limitations as it deems necessary:
 - 1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located;

2. To ensure that the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
 3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
 4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.
- B. Such Special Use Permits may authorize only the following uses:
16. Mining, excavating, removing, processing, stockpiling, or distribution of rock, sand, gravel, clay, pumice, scoria, decomposed granite, or similar materials, or batching plant, provide it complies with the following requirements:
 - a. All removal, stockpiling, processing or distribution activity shall be conducted in accordance with contemporary and sound engineering practices.
 - b. Land Rehabilitation. Under provisions of this section, depleted land shall be rehabilitated in accordance with the following requirements:
 - (1) Grading or backfilling shall be made with nonnoxious, nonflammable, noncombustible solids.
 - (2) Graded or backfilled land shall not collect and permit stagnant water to remain therein.
 - (3) Peaks and depressions of the area shall be reduced to a surface which will result in topography in substantial conformity to the land area immediately surround and which will minimize erosion caused by rainfall and runoff.

Section 19: Landscaping and Buffer Landscaping Regulations:

Where a nonresidential zone which is hereafter developed for a business purpose abuts a residentially zoned property, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.
1. Sites of one acre or less:
 - a. There shall be a landscaped setback along all streets of no less than ten feet.
 - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
 - c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback shall contribute toward this requirement.
 2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of no less than 15 feet. All other requirements same as 1.b. and 1.c. above.

- B. In a nonresidential zone, a solid wall or a solid fence at least six feet high shall be erected on sides abutting a single-family residential use, except for those sides abutting public right-of-way.
- C. The Zoning Administrator may approve an alternate landscaping plan which locates the buffer landscaping away from the residential/nonresidential boundary if he finds that:
 - 1. Noise, lighting and sight buffering of the residential zone can be accomplished at least as well with the alternate plan.
 - 2. The alternate landscaping plan does not result in less landscaped area than would have been required with the normal six-foot landscaping strip; and
 - 3. There is a solid wall or fence at least six feet high along all segments of the residential/nonresidential boundary which does not have the standard buffer landscaping strip.
- D. The landscaped buffer between residential and office, commercial, industrial, and multi-family residential uses shall consist primarily of trees 1 1/2-inch minimum caliper, measured at two feet above ground level, and/or shrubs, five gallon minimum size. The trees or shrubs shall form a largely opaque screen. However within a clear sight triangle, the trees or shrubs shall be maintained to a height of no higher than three feet.
- E. Landscaping which dies shall be replaced by the property owner who is obligated to provide it as expeditiously as possible, but in no case longer than 30 days after notification. If the 30-day period falls at a time of the year when planting of landscaping is inadvisable, a waiver may be granted by the Zoning Administrator to allow planting at the earliest possible time. The waiver and date of the planting deadline shall be recorded by the County Zoning Office.
- F. The landscaping strip shall not eliminate the requirements for a six-foot fence or wall if parking is adjacent to the landscaping strip.
- G. Parking spaces within a parking lot shall be no more than 50 feet from a tree.
- H. Nonconforming Landscaping. Premises which, when they were developed, were not required to be developed in accordance with the Landscaping and Buffer Landscaping Regulations Section of this ordinance, shall be made to conform with this regulation within two years due to the amendment of the map or text of this ordinance.

ANALYSIS:

Surrounding Land Use and Zoning

The subject site is zoned A-1 and surrounded with A-1 zoning. A small amount of C-1 zoning does exist adjacent to the southeast end of the 559 acre parcel along the north I-40 Frontage Road. The subject site is located in a remote area east of the Rio Puerco and north of the I-40 Interchange. The existence of a convenience store/gas station to the west of the subject site, a telecommunications tower and number of billboards appear to be the only form of development that exist within the general area of the subject site. To the west of the Rio

Puerco and along the south I-40 Interchange exists the Route 66 Casino on the Laguna Reservation.

Plans

The Albuquerque/Bernalillo County Comprehensive Plan (Plan) does not specify the siting and development of mining operations as is currently occurring on the subject site. However, the Plan does outline guidelines that may be applied to the requested use. The Plan calls for noise and pollution levels to be regulated and the reclamation/restoration of the land are required.

In addition, the Plan calls for the location of such operations should not be located in highly scenic or prime recreational, agricultural or residential areas. The subject site of the mining operation, specifically the 61.5 acres, does not appear to be located in an area of prime recreational, agricultural or residential uses. This site is located on a volcanic butte and may not be suitable for agricultural or residential development in its present form.

Zoning Ordinance

The Bernalillo County Zoning Ordinance is more specific regarding the necessary criteria for the establishment of a sand and gravel extraction operation. The ordinance specifically requires all removal, stockpiling, and processing and distribution activity to be conducted in accordance with contemporary south engineering practices. In addition, the ordinance requires land rehabilitation and restoration to be consistent with the following provisions:

- (1) Grading or backfilling shall be made with nonnoxious, nonflammable, noncombustible solids.
- (2) Graded or backfilled land shall not collect and permit stagnant water to remain therein.
- (3) Peaks and depressions of the area shall be reduced to a surface which will result in topography in substantial conformity to the land area immediately surrounding and which will minimize erosion caused by rainfall and runoff.

The applicant has attempted to demonstrate that the use is consistent with Resolution 116-86 in that there are some benefits from the proposed use in the provisions of construction materials and employment opportunities needed in the local economy.

Site Plan

The site plan reflects the subject site that is to be utilized for the sand and gravel extraction operation; however, it does not reflect the 559 acres on which the Special Use Permit encompasses. The agent has submitted a survey (Attachment 4) reflecting the entire 559 acre site which has been made part of the case file.

Proper access from the I-40 Frontage Road does not appear to be reflected on the site plan. Authorization for access to the site that crosses over Laguna Pueblo property has not been submitted or noted on the site plan. Although access from the west end of the site is not anticipated, Public Works is suggesting that the existence of the easement on the west side of the site, which also crosses over Laguna Pueblo property, be noted on the site plan.

Agency Comments

It is evident that a sand and gravel operation has been occurring on the subject site. The Office of Environmental Health is, therefore, requiring that the applicant provide proof of an approved City of Albuquerque Air quality permit, registration with New Mexico Environment Department and that all activity on the site must operate in compliance with the Bernalillo County Noise Ordinance.

The Public Works Division has comment that the applicant must provide legal documentation for access to the site from I-40 and through the Laguna Pueblo Reservation property prior to moving forward with this application. The Public Works Division is also requiring that the flood plain be noted on the site plan as well as County Road 36 if access is anticipated off of this road.

The subject site (the 559 acres) is located in close proximity to Rio Puerco flood plain and escarpment identified in the Major Public Open Space Plan (City of Albuquerque) as open space lands to be acquired. Open Space has commented on whether archaeological studies have been done and whether photos of the land forms were taken prior to the undertaking of the major mining and excavation activities.

Analysis Summary

Zoning	
Resolution 116-86	Consistent with Resolution 116-86 in that this is more advantageous to the community in that the location is not in a highly scenic or prime recreation, agricultural or residential area as articulated in Policy g of the Rural Area Section of the Albuquerque/Bernalillo County Comprehensive Plan.
Plans	
Comprehensive Plan	Consistent with Policy g of the rural Area Section of the Albuquerque/Bernalillo County Comprehensive Plan in that the location is not in a highly scenic or primate recreation, agricultural or residential area
Other Requirements	
Office of Environmental Health	Proof of an approved City of Albuquerque Air quality permit, and registration with the New Mexico Environment Department
Public Works Division	Need legal access documentation, changes to the site plan, a TIA Scoping Report, and a final Grading and Drainage Plan

Conclusion

Resolution 116-86 establishes policies regarding zone change and Special Use Permit requests. The Resolution states that the applicant must demonstrate that the existing zoning is inappropriate because of an error in the zone map, changed conditions in the neighborhood or community which justifies a change in land use or that a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.

Resolution 116-86 requires that a land use change must clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan. In this case, it appears that the location of the requested use is consistent with the Comprehensive Plan in the plan allows extractive activities in areas that are not of a highly scenic value and do not present a burden for surrounding residential communities.

This request appears to be consistent with Resolution 116-86 in that this land use is more advantageous to the community since it encourages a small-scale, locally-owned and operated industry that complements residential areas, provides for construction materials and employment opportunities needed in the local economy and reduces the need to travel as articulated in Policies 3.g, 6.a, 6.b & 6.g of the Albuquerque/Bernalillo County Comprehensive Plan.

However, Staff is recommending deferral in order for the applicant to address and/or submit the requirements noted by the Office of Environmental Health, concerns by the Public Works Division and the changes that are needed on the site plan and inconsistencies with corresponding submittals in the case file.

ADDITIONAL PLANNING DEPARTMENT COMMENTS MAY 5, 2010:

This request was deferred at the March 3, 2010 County Planning Commission hearing at the request of the applicant.

The applicant's agent has met with staff and has addressed the concerns previously noted for legal access and the need to include the location of the flood plain in its proximity to the site that is to be disturbed. In addition, the agent has submitted a revised site development plan that incorporates the concerns raised by Staff, the Public Works Division's and the Office of Environmental Health. The agent has also submitted a "Memorandum of License Agreement" for authorizing access on Pueblo of Laguna Property. The Public Works Division and the County Legal Department have reviewed the "Memorandum of License Agreement" and find it acceptable. The remediation/reclamation plan submitted has been reviewed and meets the Public Works Division's criteria.

The proper registrations and permitting from the New Mexico Department of Energy, Minerals and Natural Resources Department and the City of Albuquerque Air Quality Control Division have been in place for this operation since 2008 (Attachment 5).

RECOMMENDATION:

Staff is recommending approval of CSU-20100008 based on the following Findings and Conditions of approval.

Adella Gallegos,
Associate Program Planner

FINDINGS:

1. This is a request for approval of a Special Use Permit for Mining, Excavating, Processing, Stockpiling, and Distribution of Sand and Gravel on Tract B, Plat of Survey of Property of Orlando Sanchez, located east of the Rio Puerco and north of I-40, zoned A-1, and containing approximately 559 acres.
2. This request is a result of a violation in which the applicant has conducted excavating, removing, processing and stockpiling, and distribution of rock sand and gravel on the site without the proper zoning.
3. The property is located in the Reserve Area of the Albuquerque/Bernalillo County Comprehensive Plan.
4. This request is consistent with Resolution 116-86 in that the subject site is not located in a highly scenic or prime recreational, agricultural or residential area as articulated in Policy g of the Rural Area Section of the Albuquerque/Bernalillo County Comprehensive Plan.
5. This request is consistent with Resolution 116-86 in that the request is more advantageous to the community by providing construction materials and employment opportunities needed in the local economy.
6. The sand and gravel operation should not damage the site if the conditions imposed are followed and if the land rehabilitation requirements of Section 18.B.16. of the County Zoning Ordinance are met.
7. This request is consistent with the health, safety, and general welfare of the residents of the County.

CONDITIONS:

1. The applicant shall submit a final grading and drainage plan, a Storm Water Pollution Protection Plan and a terrain management plan covering the land use for review and approval to the Bernalillo County Public Works Division with 60 days of the final Board of County Commissioners approval. A copy of the approval shall be submitted to the Zoning, Building, Planning and Environmental Health Department.

2. The applicant shall submit to the Public Works Division for review and approval a Traffic Scoping Report within 60 days of final Board of County Commissioners approval.
3. The applicant shall amend the first sentence on page 4 of the Operational Plan, B. Refueling Operations by replacing the reference to a 2000 gallon certified fuel to a 300 gallon certified fuel tank.
4. The applicant shall coordinate with the Bernalillo County Fire Marshal's Office on providing the proper water tank tie in for fire suppression within 60 days of final Board of County Commissioners approval.
5. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
6. The Special Use Permit shall be issued until October 17, 2017 (expiration of lease agreement).
7. The applicant shall submit three copies of a revised site development plan consistent with the Conditions of approval, unless otherwise mentioned, for review and approval to the Zoning Administrator within two months after the final Board of County Commissioners approval. The site plan shall include the following:
 - a. Identify the adjoining Laguna Pueblo property to the south in which the subject site utilizes as access on Sheet 2 of 3.
 - b. Amend Keyed Notes # 3 & #5 by adding (2), and deleting #16.
8. The applicant shall work diligently and expediently towards satisfying the Conditions of approval, unless a specific time is mandated. If Conditions of approval are not met within one year, the Special Use Permit shall be cancelled pursuant to the procedures in the Zoning Ordinance.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health:

1. Provide proof of an approved COA air quality permit specific to operations conducted at this site.
2. Any AST for petroleum products in excess of 1,320 gallons must be registered with NMED and comply with any and all regulations imposed by NMAC 20.5.1-20.5.18. Applicant must provide proof of such.
3. All activity on site must operate in compliance with the Bernalillo County Noise Ordinance.

April 10, 2010

1. All mining, excavation and processing activities on site must be done so in accordance with applicable air quality regulations. Applicant must acquire and maintain air quality permits with the City of Albuquerque Air Quality Division.
2. All activity on site must operate in compliance with the Bernalillo County Noise Ordinance.

Fire:

Required access: Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction.

The required width of an apparatus access road shall not be obstructed in any manner, including parking of vehicles during construction and/or occupancy.

A fire apparatus access road shall be installed to allow access to the water tank.

The water tank will be constructed in approved manner and the fire department shall be able to tie into the water tank for fire suppression.

Permits will be required for the storage of Hazmat, and dispensing of fuel.

Approved numbers or addresses shall be placed on all new and existing building in such a position as to be plainly visible and legible from the street or road fronting the property and shall contrast with their background. Numerics shall be a minimum of 4 inches in height.

Zoning Administrator: No comments received.

This use is listed as a specified use in Section 18.B.16. of the ordinance and is required to comply with the following requirements:

- a. All removal, stockpiling, processing or distribution activity shall be conducted in accordance with contemporary and sound engineering practices.
- b. Land Rehabilitation. Under the provisions of this section, depleted land shall be rehabilitated in accordance with the following requirements:

- (1) Grading or backfilling shall be made with nonnoxious, nonflammable, noncombustible solids.
- (2) Graded or backfilled land shall not collect and permit stagnant water to remain therein.
- (3) Peaks and depressions of the area shall be reduced to a surface which will result in topography in substantial conformity to the land area immediately surrounding and which will minimize erosion caused by rainfall and runoff.

LANDSCAPING

Based on the overall area of the subject property, a landscape setback of at least 20 feet in depth is required along the portions of the property adjacent to a street, and a buffer of at least 6 feet in depth is required along portions of the site adjacent to residential uses. All provided landscaping is required to consist of a variety of trees, shrubs, and vegetation to create a visually opaque buffer.

The zoning ordinance also requires that a landscaping plan outlining all proposed areas to be covered with impervious materials, proposed planting beds and vegetative ground cover areas be provided. The plan must indicate the location, size, and species of all existing and proposed trees, shrubs, vegetation and ground cover. Trees must be at least one-and-one-half inches in caliper measured at two feet above grade. One tree is required for each 30 feet of frontage. Shrubs must be at least 5 gallon minimum. A minimum of 75 percent of the landscape buffer areas must be maintained with live planting materials. Additionally, a solid wall/fence at least 6 feet in height is required along the east side of the property abutting A-1 parcels adjacent to the subject site.

OFF-STREET PARKING

There are not a required number of off-street spaces listed for this type of use in the ordinance, but it is recognized that sufficient area should be provided for vehicle, equipment, and employee parking. All standard parking spaces are required to be at least 8 1/2 feet wide by 20 feet in depth; spaces for use by disabled individuals can be 8 feet by 20 feet, but each handicapped space must be adjacent to an access aisle of at least 3 feet wide providing unobstructed access to the building or facilities entrance.

All off-street parking areas must be surfaced with concrete or a bituminous material (asphalt). Gravel parking areas are not acceptable. All off-street parking spaces are required to be appropriately marked (striped) to indicate the location of each space.

Each off-street parking space designated to be used by disabled individuals is required to provide its own conspicuously posted upright sign, either free-standing or wall mounted, showing the international disabled symbol of a wheelchair. Each sign shall be no smaller than 12 by 18 inches. Each sign shall have its lower edge no less than four feet above grade. Barriers are required to prevent free-standing signs from being hit by motor vehicles.

Zoning Department Manager:

A zoning violation for operating as a manufacturing, batching, sand/gravel extraction, stock piling, processing and distribution from property without proper permits shall cease and/or requires proper permit approval.

COUNTY PLANNING COMMISSION

May 5, 2010

CSU-20100008

Violation pending further action if proper approval is not granted.

No further adverse comment.

Building Department Manager: No comments received.

Public Works:

DRAN:

This property is subject to Bernalillo County Code Chapter 38, "Floods". The site plan included with this Special Use permit application shows extensive development in addition to the existing development. The grading and drainage plan submitted with the application is acceptable as a conceptual plan and will be logged in as PWDN 20100007.

A final grading and drainage plan will be required to be submitted within 60 days following approval of this special use permit.

Please show the Floodplain on the Site plan.

April 14, 2010

Conditions of Approval are as follows: A Final Grading and Drainage Plan is required within 60 days of approval.

DRE

Traffic Scoping Report is required prior to approval.

Provide legal documentation for access from I-40. Current road is crossing two other properties, one being Laguna Pueblo Reservation.

If accessing from County Road 36, show this access on Site Plan and provide legal documentation for the access.

Site Plan does not depict width of roadway or driveway, if there are gates, and if so, what are the widths of the gates. BCPWD requires a minimum of 30-foot driveway and 20-foot roadway.

April 8, 2010

As a Condition of Approval, Public Works requires a Traffic Scoping Report within 60 days of approval.

Agent has provided more documentation on legal access and MUST Confirm on Record that it refers to the access directly from I-40 Frontage Road and not from County Road 36.

County Open Space:

Informational Comment: The Rio Puerco floodplain and escarpment are identified in the Major Public Open Space Plan as open space lands to be acquired.

Sheriff's: No comments received

COMMENTS FROM OTHER AGENCIES

MRGCOG: MRCOG staff has no comment on the application.

AMAFCA: No comment.

City Planning Department: Reviewed, no comments.

Municipal Development:

Transp. Planning: No comments received

Transp. Development: No adverse comments.

City Transit: No comments.

City Open Space:

- 1) It is difficult to determine the project area based on the inadequate map and information provided by the applicant. The "Limits of Disturbed Area" is difficult to decipher where the project location is within the entire 550 acre property.
- 2) Non-specific Open Space issues but general environmental comments include:
 - Were any archaeological studies completed or are there any studies required prior to mining, excavating, processing, and stockpiling of earthen materials?
 - Photos of the landforms and surrounding area showing what will be impacted would be helpful in this application submittal prior to such major mining and excavating activities.
 - A traffic study may be necessary to determine the impact from trucks on the frontage and I-40 corridors from the ingress and egress of a large mining operation.

ABCWUA Utility Development Section: No comments received

City Environmental Health: No comments received

NM Department of Transportation: No comments received.

Albuquerque Public School: This will have no adverse impacts to the APS district.

NEIGHBORHOOD ASSOCIATIONS:

South Valley Coalition of Neighborhood Associations

South Valley Alliance of Neighborhoods

South West Alliance of Neighbors